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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/718,342	11/24/2000	Alexander Ralph Lyons	1263.1800	2600	
5514	7590 12/02/2003		EXAM	INER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA			CARTER, A	CARTER, AARON W	
NEW YORK,			ART UNIT	PAPER NUMBER	
			2625	0	
			DATE MAILED: 12/02/2003 ·		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
		09/718,342	LYONS ET AL.			
	Office Action Summary	Examiner	Art Unit			
		Aaron W Carter	2625			
	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status						
1)⊠	Responsive to communication(s) filed on 24 No.	ovember 2000.				
2a)□	This action is FINAL . 2b)⊠ This	action is non-final.				
3)□	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
 4) Claim(s) 1-150 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-150 are subject to restriction and/or election requirement. 						
Applicat	ion Papers					
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. §§ 119 and 120						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. a) The translation of the foreign language provisional application has been received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.						
Attachment(s)						
2) Notic	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal P	(PTO-413) Paper No(s) atent Application (PTO-152)			

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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-30, drawn to 3-D imaging analysis, classified in class 382, subclass 154.
- II. Claims 31-49 and 92-94, 3-D computer graphics processing, classified in class345, subclass 419.
- III. Claims 50-70 and 95-97, drawn to merging or overlaying in computer graphics processing, classified in class 345, subclass 629.
- IV. Claims 71-91 and 98-100, drawn to the graphical user interface, classified in class345, subclass 700.
- V. Claims 101-119 and 145-147, drawn to changing the scale or size of an image, classified in class 382, subclass 294.
- VI. Claims 120-144 and 148-150, drawn to solid 3-D modeling, classified in class 345, subclass 420.

The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, III, IV, V and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as refining 3-D model data and allowing user to identify additional features to include in the previously generated 3-D model. In the instant case, invention III has a separate utility such as

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editing a 3-D model when a new model point is added. In the instant case, invention IV has a separate utility such as user interface and measuring the quality of the newly edited 3-D model. In the instant case, invention V has a separate utility such as providing variable magnification to improve matching of coordinate points. In the instant case, invention VI has a separate utility such as selecting frames for use un updating or editing a 3-D model. See MPEP § 806.05(d).

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron W. Carter whose telephone number is 703.306.4060. The examiner can normally be reached by telephone between 8am - 4:30pm (Mon. - Fri.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703.308.5246. The fax phone number for the _

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organization where the application or proceeding is assigned is 703.872.9306 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.0377.

Aaron W. Carter Examiner Art Unit 2625

November 24, 2003

Jayanti K. Patel imary Examiner